

James R. Condo (#005867)  
 Amanda Sheridan (#005867)  
 SNELL & WILMER L.L.P.  
 One Arizona Center  
 400 E. Van Buren  
 Phoenix, AZ 85004-2204  
 Telephone: (602) 382-6000  
 JCondo@swlaw.com  
 ASheridan@swlaw.com

Richard B. North, Jr. (admitted *pro hac vice*)  
 Georgia Bar No. 545599  
 NELSON MULLINS RILEY & SCARBOROUGH, LLP  
 Atlantic Station  
 201 17th Street, NW, Suite 1700  
 Atlanta, GA 30363  
 Telephone: (404) 322-6000  
 Richard.North@nelsonmullins.com

*Attorneys for Defendants*  
*C. R. Bard, Inc. and*  
*Bard Peripheral Vascular, Inc.*

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability  
 Litigation

MDL NO. 15-02641-PHX-DGC

**DEFENDANTS C. R. BARD, INC.'S  
 AND BARD PERIPHERAL  
 VASCULAR, INC.'S ANSWER AND  
 GENERAL DENIAL IN RESPONSE  
 TO PLAINTIFFS' SECOND  
 AMENDED COMPLAINT IN CASE  
 NO. CV-17-00722-PHX-DGC; JURY  
 TRIAL DEMAND**

Defendants C. R. Bard, Inc. ("Bard") and Bard Peripheral Vascular, Inc. ("BPV") (Bard and BPV are collectively "Defendants") hereby file this Answer and General Denial in response to the Second Amended Complaint served on Defendants in *Robert Howie v. C. R. Bard, Inc., et al.*, AZ Member Case No. CV-17-00722-PHX-DGC ("Answer and General Denial"). Defendants further reserve the right to file any motion to dismiss for failure to state a claim with respect to this case, as set forth in Amended Case Management Order No. 4.

1 With respect to the allegations plaintiff(s) raise in *Robert Howie v. C. R. Bard, Inc., et*  
 2 *al.*, AZ Member Case No. CV-17-00722-PHX-DGC, Defendants deny, generally and  
 3 specifically, each and every allegation in plaintiff(s)' Complaint, the whole thereof, and each  
 4 and every cause of action therein. Defendants further deny that the plaintiff(s) has sustained,  
 5 or is entitled to recover, damages in any amount alleged or in any sum whatsoever.  
 6 Defendants further deny that they are liable to the plaintiff in any amount, and further deny  
 7 that the plaintiff has sustained injury, damage, or loss by reason of any act or omission by  
 8 Defendants.

9 As for additional defenses, and without assuming any burden of pleading or proof that  
 10 would otherwise rest on plaintiff(s), Defendants incorporate by reference the responses and  
 11 Affirmative Defenses set forth in Defendants' Answer to Plaintiffs' Master Complaint filed in  
 12 MDL 2641 on December 17, 2015 (Doc. 366). Defendants further reserve the right to raise  
 13 such other affirmative defenses as may be available or apparent during discovery or as may  
 14 be raised or asserted by other defendants in this case. Defendants have not knowingly or  
 15 intentionally waived any applicable affirmative defense. If it appears that any affirmative  
 16 defense is or may be applicable after Defendants have had the opportunity to conduct  
 17 reasonable discovery in this matter, Defendants will assert such affirmative defense in  
 18 accordance with the Federal Rules of Civil Procedure.

### 19 **REQUEST FOR JURY TRIAL**

20 Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. demand a trial by jury  
 21 on all issues appropriate for jury determination.

22 **WHEREFORE**, Defendants aver that the plaintiff(s) is/are not entitled to the relief  
 23 demanded in the plaintiff(s)' Complaint, and these Defendants, having fully answered, pray  
 24 that this action against them be dismissed and that they be awarded their costs in defending  
 25 this action and that they be granted such other and further relief as the Court deems just and  
 26 appropriate.

1 This 13th day of June, 2017.

2 s/Richard B. North, Jr.  
3 Richard B. North, Jr.  
4 Georgia Bar No. 545599  
5 NELSON MULLINS RILEY & SCARBOROUGH, LLP  
6 Atlantic Station  
7 201 17th Street, NW / Suite 1700  
8 Atlanta, GA 30363  
9 PH: (404) 322-6000  
10 FX: (404) 322-6050  
11 Richard.North@nelsonmullins.com

12 James R. Condo (#005867)  
13 Amanda Sheridan (#027360)  
14 SNELL & WILMER L.L.P.  
15 One Arizona Center  
16 400 E. Van Buren  
17 Phoenix, AZ 85004-2204  
18 PH: (602) 382-6000  
19 JCondo@swlaw.com  
20 ASheridan@swlaw.com

21 **Attorneys for Defendants C. R. Bard, Inc. and**  
22 **Bard Peripheral Vascular, Inc.**  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 13, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notification of such filing to all counsel of record.

s/Richard B. North, Jr.  
Richard B. North, Jr.  
Georgia Bar No. 545599  
NELSON MULLINS RILEY & SCARBOROUGH, LLP  
Atlantic Station  
201 17th Street, NW / Suite 1700  
Atlanta, GA 30363  
PH: (404) 322-6000  
FX: (404) 322-6050  
Richard.North@nelsonmullins.com

**Attorney for Defendants C. R. Bard, Inc. and  
Bard Peripheral Vascular, Inc.**